

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Marco Antonio Salazar,
Petitioner,

v.

Charles L Ryan, et al.,
Respondents.

No. CV-15-02083-PHX-DLR

ORDER

Before the Court is Petitioner Marco A. Salazar's Petition for Writ of Habeas Corpus and United States Magistrate Judge John Z. Boyle's Report and Recommendation (R&R). Docs. 1, 16. The R&R recommends that the Court deny the Petition. Doc. 16 at 5. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at 6 (citing Fed. R. Civ. P. 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)). Petitioner did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept the R&R and

1 deny the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept,
2 reject, or modify, in whole or in part, the findings or recommendations made by the
3 magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify
4 the recommended disposition; receive further evidence; or return the matter to the
5 magistrate judge with instructions.”).

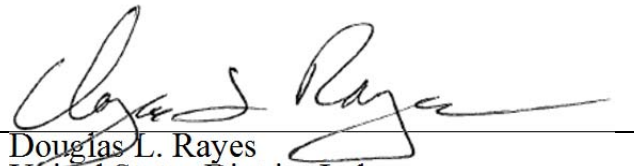
6 **IT IS ORDERED** that Magistrate Judge Boyle’s R&R, Doc. 16, is **ACCEPTED**.
7 Petitioner’s Petition for Writ of Habeas Corpus, Doc. 1, is **DENIED** and **DISMISSED**
8 **WITH PREJUDICE**.

9 **IT IS FURTHER ORDERED** that a Certificate of Appealability and leave to
10 proceed *in forma pauperis* on appeal are **DENIED** because the dismissal of the Petition is
11 justified by a plain procedural bar and reasonable jurists would not find the ruling
12 debatable, and because Petitioner has not made a substantial showing of the denial of a
13 constitutional right.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court shall terminate this
15 case.

16 Dated this 6th day of June, 2016.

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Douglas L. Rayes
United States District Judge